

PHILLIP A. TALBERT
United States Attorney
LAUREL J. MONTOYA
Assistant United States Attorney
Robert E. Coyle Federal Courthouse
2500 Tulare Street
Fresno, CA 93721
(559) 497-4000

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GABRIEL MATA,

Defendant.

CASE NO. 1:23-CR-00053-JLT-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: June 7, 2023
TIME: 1 p.m.
COURT: Hon. Sheila K. Oberto

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on June 7, 2023.
2. By this stipulation, defendant and government now move to continue the status conference until August 16, 2023, and to exclude time between June 7, 2023, and August 16, 2023, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has provided initial discovery and is looking into whether there is supplemental discovery that needs to be received for production.
 - b) The government needs additional time to formulate and provide a plea offer to the defense.

1 c) Counsel for defendant needs time to review the discovery, conduct pretrial
2 investigation, and consider the plea offer once it is provided.

3 d) The defendant agrees and stipulates that time should be excluded for the
4 aforementioned reasons.

5 e) Counsel for defendant believes that failure to grant the above-requested
6 continuance would deny him/her the reasonable time necessary for effective preparation, taking
7 into account the exercise of due diligence.

8 f) Based on the above-stated findings, the ends of justice served by continuing the
9 case as requested outweigh the interest of the public and the defendants in a trial within the
10 original date prescribed by the Speedy Trial Act.

11 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
12 et seq., within which trial must commence, the time period of June 7, 2023 to August 16, 2023,
13 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]
14 because it results from a continuance granted by the Court at defendant's request on the basis of
15 the Court's finding that the ends of justice served by taking such action outweigh the best interest
16 of the public and the defendant in a speedy trial.

17 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
18 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
19 must commence.

20 IT IS SO STIPULATED.

21 Dated: June 2, 2023

PHILLIP A. TALBERT
United States Attorney

23 /s/ LAUREL J. MONTOYA
24 LAUREL J. MONTOYA
Assistant United States Attorney

27 **[Remainder of this page intentionally left blank.]**
28

1 Dated: June 2, 2023

/s/ GRIFFIN ESTES

GRIFFIN ESTES

Counsel for Defendant

MYRON TUCKER

4 **ORDER**

5 IT IS SO ORDERED.

6
7
8 DATED: 6/2/2023

Sheila K. Oberto

THE HONORABLE SHEILA K. OBERTO
UNITED STATES MAGISTRATE JUDGE